

REMARKS

Reconsideration of the above-identified patent application as amended herein is respectfully requested. Claims 1-3, 7-10, 12-13, 15, 19-20 and 24 are amended herein, and claims 11, 21 and 22 are cancelled. Of the claims, only claims 1 and 24 are independent. No new matter has been added.

IN THE SPECIFICATION:

In the Office Action, the Examiner objected to the disclosure because of some informalities. Applicant submits herewith amendments to the disclosure to correct the informalities as requested in the Office Action.

IN THE DRAWINGS:

In the Office Action, the Examiner objected to the drawings for failure to show every feature of the invention specified in the claims. Claims 21 and 22 are cancelled herein to conform the drawings to the invention as claimed.

IN THE CLAIMS:

In the Office Action, the Examiner rejected claims 3, 7-10, 12, 13, 19, 20, 22, and 24 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 7-10, 12-13, 15, 19-20 and 24 are amended herein with consideration to the informalities noted in the Office Action. Therefore, the withdrawal of the rejections of claims 3, 7-10, 12, 13, 19, 20, 22, and 24 under 35 U.S.C. 112, second paragraph, is respectfully requested.

In addition, in the Office Action, the rejected claims 1-17, 21, 22 and 24 under 35 U.S.C. 102 (b) as being anticipated by Roesch et al.(US Patent 6,004,417, the '417 patent). Applicant respectfully traverses this rejection. In order to be anticipatory, a reference must describe "each and every element" with the condition that the identical invention must be shown in as complete detail as is contained in the claims. The Roesch et al. reference clearly fails to meet the conditions of an anticipatory reference.

The presently claimed invention relates to a joint between joint faces on the surface of which a matrix is applied with an adhesive system which exhibits its effect of joining the joint faces when the components are joined. Accordingly, this invention is characterized by a special layer structure of the matrix, in which at least one first layer comprises a high concentration of capsules and at least a second layer comprises no capsules. This is claimed in amended independent claims 1 and 24 as follows:

"...wherein the matrix comprises at least two matrix layers, wherein at least one of the two matrix layers comprises the capsules and at least one of the two matrix layers comprises no capsules....the capsules at least partially release the material contained...."

Support for this limitation of amended claims 1 and 24 is found in claim 11 which was incorporated in claims 1 and 24 and cancelled herein. This structure allows to adjust the effect of the material contained in the capsules, which is part of the reaction adhesion system, to the remaining other parts of the system, which are contained in the matrix. For example, the top layer can be provided with a high concentration of capsules while the second layer below does not contain capsules. The mechanical forces act essentially in the top layer, when two components are joined together. Therefore, the material inside the capsules is released in an effective manner and can react with the other part of the reaction system which is included in the matrix layer below. Thus, a layer structure of the matrix allows a very efficient activation of the adhesive reaction system.

In contrast, the '417 reference discloses a joint between a conduit, where one joint face is coated with a matrix in which multiple capsules containing a solvent adhesive composition are dissolved. '417 teaches that the capsules form at least one monolayer and the thickness of the layer is controlled by the diameter of the capsules, but does not disclose at least two matrix layers, one with and one without capsules. Thus, the subject matter of amended independent claims 1 and 24 is not disclosed in the '417 reference to constitute an anticipation under 35 U.S.C. 102(b). In view of the foregoing, reconsideration and withdrawal of the rejection of independent claims 1 and 24 and of dependent claims 2-10, and 12-17 under 35. U.S.C. 102(b) as being anticipated by Roesch et al. is respectfully requested.

In the Office Action, the Examiner rejected claims 1-24 under 35 U.S.C. 103(a) as being unpatentable over Ihle et al. in view of Roesch et al. and over either Nemeth or German reference 297 03 963 in view of Roesch et al. Applicant respectfully traverses this rejection. In order for the claims of the instant application to be obvious in light of teachings of the cited references...there must be some suggestion or motivation, either in the reference itself, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference....The prior art reference (or references combined) must teach or suggest all the claimed limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art. (MPEP 706.02(j)).

Ihle et al. teaches a process for anchoring securing elements in drill holes by using two-component adhesives and metal additives. Nemeth discloses a joint between floor panels, where an adhesive in the form of glue is applied during laying of the floor. Neither of these two references, alone or in combination with Roesch et al. suggests providing two matrix layers, one with and one without capsules as claimed in amended independent claims 1 and 24.

DE 297 03 962 teaches floor panels characterized by a tongue and a groove profile at its joint faces. Part of the tongue and groove profile is coated with a contact adhesive already during the production of the panels. In case of a contact adhesive, the adhesive effect is based on the physically acting adhesion forces, which still exist when the solvent has evaporated. Thus, this reference only discloses the coating of a

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component with an adhesive during the production, but it does not teach to use capsules filled with adhesive elements. Therefore, even this reference, alone or in combination with Roesch et al. does not render the presently claimed invention obvious under 35 U.S.C. 103(a). Therefore, applicant respectfully request that the rejection of claims 1-24 as being unpatentable over Ihle et al. in view of Roesch et al. and over either Nemeth or German reference 297 03 963 in view of Roesch et al. be withdrawn.

In light of the foregoing amendments and arguments, the application is now believed to be in proper format for allowance of all claims and a notice to that effect is earnestly solicited.

Please deduct any fees resulting from this Amendment from deposit account number 16-2500 of the undersigned.

The undersigned attorney requests that the Examiner contact him at the telephone number indicated below if it would help expedite prosecution of this application.

Respectfully submitted,
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